

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 2:20-cr-114-JES-MRM

CASEY DAVID CROWTHER

**NOTICE OF MAXIMUM PENALTIES, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

The United States of America, by Karin Hoppmann, Acting United States Attorney for the Middle District of Florida, hereby files this Notice of Maximum Penalties, Elements of Offense, Personalization of Elements and Factual Basis, stating as follows:

ESSENTIAL ELEMENTS

The essential elements of a violation of 18 U.S.C. § 1344, Bank Fraud (Count Five), are as follows:

- First: the Defendant knowingly carried out or attempted to carry out a scheme to defraud a financial institution or a scheme to get money, assets, or other property from a financial institution by using false or fraudulent pretenses, representations, or promises about a material fact;
- Second: the false or fraudulent pretenses, representations, or promises were material;
- Third: the Defendant intended to defraud the financial institution; and
- Fourth: the financial institution was a mortgage lending business.

The essential elements of a violation of 18 U.S.C. § 1014, False Statement to a Financial Institution (Count Six), are as follows:

- First: The Defendant made a false statement or report;
- Second: the Defendant did so knowingly and with intent to influence an action of the institution described in the second superseding indictment regarding an application, advance, commitment, or loan, or a change or extension to any of those, and
- Third: the institution was a mortgage lending business.

PENALTY

The penalty for the offense charged in Count Five of the Indictment is a term of imprisonment of up to thirty years, a fine of up to \$1,000,000 or twice the amount of gross gain or loss, whichever is greater, a term of supervised release of up to five years, and a \$100 special assessment.

The penalty for the offense charged in Count Six of the Indictment is a term of imprisonment of up to thirty years, a fine of up to \$1,000,000 or twice the amount of gross gain or loss, whichever is greater, a term of supervised release of up to five years, and a \$100 special assessment.

Additionally, pursuant to 18 U.S.C. § 982(a)(2)(A) and as outlined in the Second Superseding Indictment and Bill of Particulars, the defendant shall forfeit to the United States any property constituting, or derived from, proceeds obtained directly or indirectly from the offenses, including approximately \$630,482.37 in proceeds obtained from the sale of the real property located at 3653 San Carlos Drive, Saint James City, Florida 33956.

FACTUAL BASIS

In May 2020, Defendant Casey David Crowther entered into a contract to purchase a home located at 3653 San Carlos Dr., St. James City, Florida 33956. Crowther eventually closed on and purchased the home on or about July 31, 2020. To purchase the home, Crowther obtained a loan for a portion of the purchase price from the mortgage lender Angel Oak Mortgage Solutions, LLC (“Angel Oak”).

During the application process for the loan, Angel Oak required Crowther to provide bank statements showing the source of funds he intended to use to make the down payment on the property. Angel Oak required those statements from Crowther because, amongst other things, they permitted Angel Oak to evaluate the risk of making a loan to him. The documents also permitted Angel Oak to ensure that Crowther had sufficient money on hand to meet certain payment obligations that would arise during the first year of the loan (*e.g.* taxes and insurance).

Crowther represented to Angel Oak that he would be using money contained in a bank account associated with his single-asset real estate company, 3801 Jade Ave, LLC (the “Jade Avenue Account”), to make the down payment. In furtherance of that representation, Crowther created three false bank statements with inflated balances for the Jade Avenue Account. The bank account statements covered the months of April, May, and June 2020. Crowther also created a screenshot of a webpage which falsely showed an inflated balance for that account as of on or about July 17, 2020.

Crowther provided all four falsified documents to an intermediary mortgage broker, whose job it was to gather documents from the borrower and provide them to Angel Oak. The mortgage broker, in turn, provided the falsified May and June bank statements and July 17 screenshot to Angel Oak. Angel Oak relied on those documents to determine Crowther's qualification for and terms of the loan it ultimately provided to him on or about July 31, 2020.

Shortly before the loan closed and on July 31, 2020, Crowther signed and submitted to Angel Oak a document which falsely stated that the Jade Avenue Account contained approximately \$1,071,696, when, in fact, the account contained no more than approximately \$404,114.79, an amount insufficient to make the required down payment. To make the down payment, Crowther relied on, amongst other things, previously undisclosed money, including a draw on a line of credit associated with another business he owned.

At all times during the above described events, Angel Oak was a mortgage lending business that financed and refinanced debt secured by interests in real estate,

and whose activities affected interstate commerce.

Respectfully submitted,

KARIN HOPPMANN
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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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/s/ Michael V. Leeman
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